

WEARE OPEN SPACE COMMITTEE  
MINUTES  
AUGUST 25, 2008  
+++++FINAL+++++

In attendance were Steve Najjar, chair, George Malette, Pat Myers, John Ciampi, secretary.

The guest this evening is Frank Farmer who has interest in placing his land under conservation protection.

The meeting commenced at 7:15 PM.

**Minutes of 6-24-08 Open Space meeting:** The draft minutes of 6-24-08 were reviewed by committee members, and the following changes were suggested:

- Under Hawkes/Wilson update, 9<sup>th</sup> line down, strike the entire sentence, starting with “*George asked...*, and ending with the words, ... *more money*”.
- Under the heading “Open Space Plan”, 2<sup>nd</sup> paragraph first line, change the name *Dave Preseau* to *Dave Preec*.
- Also under the Open Space Plan topic, 2<sup>nd</sup> paragraph, 19<sup>th</sup> line down, change *OET* to *OEP* (Office of Energy Planning).
- Under the heading Natural Resource Inventory, 2<sup>nd</sup> line, change the word *cohorts* to *co-occurrence*.

George made motion to accept the changes as noted, and John 2<sup>nd</sup>. All voted in favor, and the motion carries.

**Hawkes/Wilson Update:** Steve received a call from Shawn Hawkes this evening, telling Steve the 30 acre parcel is now going through. Steve mentioned that if the OSC wants to do something different then it would need another public hearing. Also, \$20,000.00 more is in the Conservation Fund due to a under calculation error. There is now \$210,000.00 appropriated towards Mr. Hawkes property. Steve plans to contact either Tina Pelletier or Judy Rogers to find out what is transpiring with current use because of a lawsuit involving the Forest Society. Apparently, the method the Town was using to collect the Current Use Tax penalty is flawed, since the Town was collecting the penalty tax parcel by parcel as it was taken out of current use, rather than waiting for the developer’s roadway to be completed before paying the penalty. Steve acknowledged he isn’t sure if this procedural change favors the Town since it was a developer who won the lawsuit. Steve suggested the State should contact the local municipalities to disseminate further clarification.

Continuing with the Hawkes/Wilson contact, Steve stated he still wants to aim for the original 100 acres, and the Mildred Hall Trust Committee has sent a \$20,000.00 donation toward the project. Shawn and Steve are planning a meeting on Thursday, August 27, before Shawn leaves the country for a short duration, and in the meantime, Steve will work with Rod Wilson toward a closing. Steve mentioned he had e-mailed around the Piscataquog Land Conservancy (PLC) easement contract model on Rod Wilson’s land.

When Steve met with Shawn, Shawn showed displeasure upon noticing an unauthorized ATV trail on his property, so Shawn is motivated to insert language in the easement contract addressing unauthorized use of his property. Also, the OSC needs to identify itself on the contract as being the executory easement holder. The final step in this procedure is to send it to the town attorney. Steve has an outdated hard copy of a Dunbarton "forever wild" boilerplate easement contract, and asked that committee members review it and retain from it whatever is pertinent to the Wilson "forever wild" contract. Discussion centered on how the original "boiler plate" model will change after receiving input from the deed holders, the PLC, and the OSC. For instance, Shawn wants to include the boundaries of the 5 acre parcel he intends to exclude from the easement proper. Steve wondered if Shawn needs to go to subdivision to have this done, or if it automatically happens if the easement itself is surveyed. Shawn has no immediate plans to subdivide the subdivided parcel. Rod's contract is basically finalized except to iron out the language and due diligence portion. Pat suggested having PLC handle Shawn's easement contract, since the Town (OSC) is paying them \$20,000.00 and additionally, they will rearrange the final wording anyway. Steve made hard copies of Dunbarton's "forever wild" easement contract, asking committee members to review it for language suggestions. It intends to be verified at the next Conservation Commission meeting.

Steve broached the topic of how Rod may want to address the snowmobile trail on his property, which is not deeded to anyone as in the case of the Wood property which has a deeded snowmobile trail to the Weare Winter Wanderers. Steve suggested the *PLC* may need to address this matter. Pat suggested surveying the trail on Rod's land in order to keep it from wandering onto non- trail land.

**Frank Farmer:** Frank wants to schedule a site walk soon. He and his son own a piece of property on River Rd.comprising some 25 acres, and which has about 1200 feet of frontage along the Piscataquog River. Density studies have determined that up to 7 house lots or 11 condo units could be built on this parcel. He and his son decided, before going down the development trail, if the Town's would be interested in putting this land under conservation. His son, Tim, would like to keep 1 lot available for his own future use, possibly for a 3 season dwelling. The site would be along the southeastern section where the land rises highest over the river. Mr. Farmer stated the property currently isn't posted. Tim has been doing some clearing along the old railroad bed for mountain biking purposes, and/or hiking. The property itself is a rather easy walk. Mr. Farmer added he understands that presently there is no money in the conservation fund, but he is willing to wait a year or two but certainly not forever. No monetary figures were bandied about at this point in time, but Frank and his son are willing to make a financial donation up front, for instance, if the selling price comes in at \$250,000.00, he would be willing to donate \$50,000.00 for example. However, he cautioned, the final fallout will need to work for both parties. Frank pointed out the property owner on the opposite side of the river, toward the southeast, has donated some 150 feet in from the river for conservation purposes, to which Mr. Farmer noted enhanced the conservation value of his property. Pat asked which land trust did he deal with, to which Frank replied he isn't sure but most likely the PLC. Mr. Farmer stated his property was purchased from a Clayton Gunn about 20 years ago, and shortly thereafter he purchased the B&M railroad corridor which runs the length of the property. The

Army Corps of Engineers own the B&M corridor on the opposite side of the river toward the southeast.

Steve asked why the driveway approach to Tim's proposed house lot doesn't directly connect to the old railroad bed. Frank explained the old railroad bed has become flooded, necessitating a non direct route. Frank went on to describe an old moss covered stone wall, high in stature, which follows the old railroad bed right down to the river. The zoning designation of this property is uncertain at this time. Steve ventured to say it would be interesting to devise a driveway approach which would have the least amount of environmental impact. Steve also mentioned that the railroad corridor may now have become a jurisdictional wetland. Frank commented he is amazed at how wide is the B&M railway corridor R.O.W.

Frank asked what is the difference between residential vs. rural agricultural zoning, to which George answered for residential it's based on soil types and slopes. Steve added there are several factors a conservation body looks at that can enhance the conservation attributes, such as wildlife habitat, proximity to other conservation land, cultural and historical features, etc. Steve made note that the next logical step is a site walk, and then wait and see what materializes for money. Pat asked Frank if he is aware of any historical features on the land as that could aid in securing grant monies, to which Frank answered none that he knows of. Mr. Farmer stated that his property was part of Jerry Shinn's land going back in time. Frank recounted his thoughts and added that, as he now thinks about it, the historical aspect connected to this property is that the old B&M railroad ran through the property. Steve mentioned that under RA zoning the most lots that may be subdivided out would be three maximum if there is only 350 feet of road frontage. A site walk has been set up for Wednesday, September 10 @ 5 PM.

**Land Contacts:** Steve received a letter from a Bill Trowler on Mountain Rd. He said he is interested in some kind of conservation protection on his property and that he is in no hurry in moving the issue along.

**Adjournment:** George made motion to adjourn, and Pat 2<sup>nd</sup>. All voted in favor and the meeting adjourned at 8:53 PM.

Duly Recorded as a True Record,

John Ciampi  
WOSC Secretary

Cc: Town Clerk  
Merry Rice  
BOS  
OSC files